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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,228	06/21/2001	Raymond Anthony Joao	RJ265	5876

7590 05/03/2006
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EXAMINER

BEKERMANN, MICHAEL

ART UNIT PAPER NUMBER

3622

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/886,228

Applicant(s)

JOAO, RAYMOND ANTHONY

Examiner

Michael Bekerman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/05/2001.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because it exceeds the 150 word limit. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. **Claims 1, 6, 9, 11, 16, 19, and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Regarding claim 1, 6, 11, 16, and 20, these claims recite the limitation “and/or”.

This is unclear. The limitation should read “and” or “or”, but not both.

Further regarding claims 1, and 20, claim 1 recites the limitation “at least one of monitors” and claim 20 recites the limitation “at least one of monitoring”. This is unclear, as the statement “at least one of” implies multiple actions, while the only action claimed is monitoring.

Regarding claims 9 and 19, these claims recite the limitations “a rebate check”, “a frequent flier reward” and “a token”. Claims 1 and 11, from which 9 and 19 depend, specify the purchase (or lease) price as being reduced (or altered). It is unclear how a

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rebate check, a frequent flier reward, or a token can alter or adjust the price paid during a current purchase.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Tedesco (U.S. Patent No. 6,161,059).** Tedesco teaches a method and system for providing compensation for participating in an advertisement that contains all of the limitations recited in the above claims.

Regarding claims 1, 2, 8, 11, 12, 18, and 20, Tedesco teaches requesting information regarding a product (when consumer places an order), storing information regarding a product and advertisement (marketing promotion), transmitting an advertisement to a consumer while an order is being placed for a product (using a display on the vending machine), and reducing the purchase price according to the consumer's interaction with the advertisement (Column 2, Lines 28-34 and Column 3, Lines 63-67 and Column 4, Lines 1-2).

Regarding claims 3 and 13, Tedesco teaches an advertisement selected based on purchase history (historical information) (Column 5, Lines 5-8).

Regarding claims 4 and 14, Tedesco teaches the advertisement can be text, video, or audio (Column 5, Lines 40-50).

Regarding claims 5 and 15, Tedesco teaches administering a survey (Column 3, Lines 63-67).

Regarding claims 6 and 16, Tedesco teaches the vending machine as being a pay telephone (Column 10, Lines 43-49).

Regarding claim 7 and 17, Tedesco teaches the compensation can be a supplementary product or a discount (Column 2, Lines 31-34). Since different compensations are taught, this reads on a variable amount.

Regarding claim 9 and 19, Tedesco's reward is taken to be a financial reward.

Regarding claim 10, Tedesco's compensation may be earned during or after placing the order (Column 2, Lines 31-34).

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art with respect to advertisement viewing compensation systems and methods:

U.S. Patent No. 5,794,210 to Goldhaber

U.S. Patent No. 6,963,848 to Brinkeroff


U.S. Pub No. 2002/0147633 to Rafizadeh

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Bekerman whose telephone number is (571) 272-3256. The examiner can normally be reached on Monday - Friday, 7:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric W. Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JEFFREY D. CARLSON
PRIMARY EXAMINER